

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JS-6

CIVIL MINUTES -- GENERAL

Case No. **CV 11-2016-JFW (VBKx)**

Date: April 4, 2011

Title: Phillip Marc Bosserman, et al. -v- Quality Loan Service Corp., et al.

PRESENT:

HONORABLE JOHN F. WALTER, UNITED STATES DISTRICT JUDGE

Shannon Reilly
Courtroom Deputy

None Present
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

None

ATTORNEYS PRESENT FOR DEFENDANTS:

None

PROCEEDINGS (IN CHAMBERS):

**ORDER DISMISSING ACTION FOR LACK OF
SUBJECT MATTER JURISDICTION**

On March 9, 2011, Plaintiffs Phillip Marc Bosserman and Joan Shavon Bosserman ("Plaintiffs") filed a Complaint in this Court against Defendants Quality Loan Service Corp., Cenlar FSB, and LPS Process Management. Plaintiffs' Complaint does not contain "a short and plain statement of the grounds for the court's jurisdiction" as required by Federal Rule of Civil Procedure 8(a).

Federal Rule of Civil Procedure 12(h)(3) specifically states that "[i]f the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action." Fed. R. Civ. P. 12(h)(3). Pursuant to Rule 12(h)(3), "a court may raise the question of subject matter jurisdiction, *sua sponte*, at any time during the pendency of the action, even on appeal." *Snell v. Cleveland, Inc.*, 316 F.3d 822, 826 (9th Cir. 2002); see also *Emerich v. Touche Ross & Co.*, 846 F.2d 1190, 1194 n. 2 (9th Cir. 1988) (noting that "[i]t is elementary that the subject matter jurisdiction of the district court is not a waivable matter and may be raised at anytime by one of the parties, by motion or in the responsive pleadings, or *sua sponte* by the trial or reviewing court").

It is clear that the Court lacks subject matter jurisdiction over this action. The parties are not completely diverse as both Plaintiffs and Defendant Quality Loan Service Corporation are citizens of California. See Complaint ¶ 1; Civil Cover Sheet. In addition, Plaintiffs only assert claims arising under state law. Accordingly, this action is hereby **DISMISSED without prejudice** for lack of subject matter jurisdiction.

IT IS SO ORDERED.